

Message Text

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ORIGIN EUR-12

INFO OCT-01 ISO-00 EB-07 L-02 SCA-01 /023 R

DRAFTED BY EUR/WE:HGMOEN:JKB

APPROVED BY EUR/WE:REBARBOUR

L/EB - SRBOND

SCA - HLORR

EB/IFD/OIA - TBRODERICK

L/C - FKWIATEK

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FM SECSTATE WASHDC

TO AMEMBASSY ROME

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E.O. 11652: N/A

TAGS: CPRS, IT

SUBJECT: PROPERTY CLAIM - PIER TALENTI

REF: STATE 257183

FOR BEAUDRY

1. AS DESCRIBED IN REFTL, MR. PIER TALENTI AND HIS ATTORNEYS HAVE BEEN IN TOUCH WITH THE DEPT (L/EB) CONCERNING A ZONING DECISION BY THE ROME MUNICIPAL COUNCIL WHICH THEY FEEL CONSTITUTES A DISCRIMINATORY ZONING OF MR. TALENTI'S PROPERTY. FOLLOWING EXTENSIVE DISCUSSIONS ON THIS MATTER WITH THE DEPARTMENT, TALENTI'S ATTORNEYS, IN A LETTER DATED APRIL 11, 1975, TO THE DEPARTMENT, REQUESTED THE FOLLOWING ACTION: "IN LIGHT OF THE FACTUAL AND LEGAL SITUATION AS OUTLINED IN THE ABOVE SUBMISSIONS, WE BELIEVE THAT MR. TALENTI'S PROPERTY RIGHTS HAVE BEEN ABRIDGED BY THE ITALIAN GOVERNMENT IN VIOLATION OF THE TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES AND ITALY. THEREFORE, WE REQUEST THAT THE UNITED

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STATES AND ITALY. THEREFORE, WE REQUEST THAT THE UNITED

STATES EMBASSY IN ROME INITIATE INFORMAL CONTACTS WITH APPROPRIATE OFFICES OF THE ITALIAN GOVERNMENT TO POSE THIS PROBLEM TO THEM AND ASK FOR THEIR ASSISTANCE IN OBTAINING AN EQUITABLE SOLUTION."

2. IN VIEW OF THE APPROACH REQUESTED BY TALENTI'S ATTORNEYS, THE DEPARTMENT WOULD LIKE THE EMBASSY'S VIEWS ON HOW BEST TO PROCEED IN THIS MATTER. THE EMBASSY SHOULD KEEP IN MIND THAT TALENTI HAS NOT ASKED FOR AN ESPOUSAL OF HIS CLAIM BY THE USG UNDER THE US-ITALIAN FCN TREATY, BUT RATHER FOR AN INFORMAL EMBASSY APPROACH TO THE ITALIAN GOVERNMENT FOR ASSISTANCE IN OBTAINING AN EQUITABLE SOLUTION IN THIS MATTER.

3. (FYI. IN ORDER FOR THE DEPARTMENT TO REACH A FINAL CONCLUSION AS TO THE LEGAL MERITS OF TALENTI'S CLAIM, IT WOULD BE NECESSARY TO GET THE GOI VIEWPOINT AS TO THE RATIONALE FOR REZONING FOLLOWED BY AN ON-THE-SPOT INDEPENDENT EXPERT ASSESSMENT OF THE PROPERTY. THE DEPARTMENT'S OFFICE OF THE LEGAL ADVISOR IS PRESENTLY EXAMINING THE QUESTION AS TO WHETHER DISCRIMINATORY REZONING WOULD BE CONSIDERED UNDER INTERNATIONAL LAW TO BE THE TAKING OF PROPERTY SUCH AS TO CALL FOR COMPENSATION UNDER PARA 2, ARTICLE V, OF THE US-ITALIAN FCN TREATY. END FYI).

4. SINCE EMBASSY FILES MAY NOT INCLUDE UP-TO-DATE INFORMATION ON THIS CASE, THE DEPARTMENT IS AIR POUCHING (FOR BEAUDRY) COPIES OF THE MATERIALS WHICH HAVE BEEN FURNISHED TO US IN SUPPORT OF TALENTI'S CLAIM BY HIS ATTORNEYS. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 22 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: greeneet
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE092260
Document Source: CORE
Document Unique ID: 00
Drafter: HGMOEN:JKB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750142-0086
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750427/aaaaaznl.tel
Line Count: 92
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 257183
Review Action: RELEASED, APPROVED
Review Authority: greeneet
Review Comment: n/a
Review Content Flags:
Review Date: 04 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 JUN 2003 by BoyleJA>; APPROVED <15 OCT 2003 by greeneet>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PROPERTY CLAIM - PIER TALENTI
TAGS: CPRS, IT, (TALENTI, PIER)
To: ROME
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006